



Application No. 10/624,535
Attorney Docket No. 02860.0748
Amendment After Final - November 2, 2006

REMARKS

Applicants submit this Amendment After Final in reply to the final Office Action mailed September 8, 2006.

As an initial matter, Applicants gratefully acknowledge the Examiner's indication of the allowability of the subject matter of claims 3 and 11. However, as Applicants believe that independent claim 1, as amended, is patentable over the cited references, Applicants have not rewritten the subject matter of claims 3 and 11 into independent form at this time.

By this Amendment After Final, Applicants amend the title, amend claims 1 and 14, and add new claim 17. The originally-filed specification, drawings, and claims fully support the subject matter of amended claims 1 and 14 and new claim 17. No new matter has been introduced.

Claims 1-17 are pending in this application. Claims 1 and 17 are independent claims.

On page 2 of the final Office Action the title was objected to. Applicants have amended the title. Accordingly, Applicants respectfully request withdrawal of the specification objection.

On page 2 of the final Office Action, claim 1 was objected to for an informality. The informality has been addressed. Accordingly, Applicants respectfully request withdrawal of the claim objection.

On pages 2-4 of the Office Action, claims 1, 4-7, 9, 12, and 14-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,947,368 B2 to Hendricks et al. ("Hendricks"). Applicants respectfully traverse this rejection.

Hendricks does not disclose or suggest the claimed invention. For example, independent claim 1 recites an objective lens unit for converging a light flux onto an information recording plane of an optical information recording medium in an optical pickup apparatus including, among other aspects, "wherein the first optical element comprises: a first optical element functional section; and a first flange section integrally formed in one body around the first optical functional section, wherein the second optical element comprises: a second optical functional section; and a second flange section integrally formed in one body around the second optical function section." Hendricks does not disclose at least these aspects of the claimed invention either alone or in combination with the other aspects of the claimed invention.

The final Office Action asserts that objective lens 12, modifier 14, and mounting 13 of Hendricks correspond to the first optical element, the second optical element, and the flange section of the claimed invention. Applicants respectfully disagree. Even assuming *arguendo* that objective lens 12 and modifier 14 correspond to the first and second optical elements, mounting 13 cannot correspond to the claimed flange section of either objective lens 12 or modifier 14 at least because mounting 13 is separate from, and thus not "integrally formed in one body around," either objective lens 12 or modifier 14 as set forth in independent claim 1.

Accordingly, for at least these reasons, Applicants respectfully request withdrawal of the Section 102(e) rejection based on Hendricks.

On pages 4-7 of the final Office Action, claims 2, 8, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks in view of the alleged admitted prior art, and claim 13 was rejected under 35 U.S.C. § 103(a) as being

unpatentable over Hendricks in view of U.S. Patent No. 6,781,943 B2 to Saito ("Saito").

At least because neither the alleged admitted prior art nor Saito are cited as remedying the aforementioned deficiencies of Hendricks, Applicants respectfully request withdrawal of the Section 103(a) rejections.

Dependent claims 2-17 depend from independent claim 1. Therefore, each dependent claim is allowable for at least the same reasons that independent claim 1 is allowable. In addition, each of the dependent claims recite unique combinations that are neither taught nor suggested by the cited references and therefore each are also separately patentable.

Applicants respectfully request that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-17 in condition for allowance. Applicants submit that the proposed amendments of claims 1 and 14 and new claim 17 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment After Final should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final Office Action by the Examiner presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment After Final, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains other characterizations and assertions regarding the claims and the cited art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

In discussing the specification and claims in this Amendment After Final, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment After Final and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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